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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

ANDREAS GUENTHER,

Defendant.

No. 3:14-mj-71518

STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME

The above-captioned matter is currently set for a preliminary hearing and status conference on Thursday, March 5, 2015 at 9:30 am. The parties hereby request that the Court enter an Order continuing the preliminary hearing until August 10, 2015 at 9:30 am. When we last appeared before the Court, we informed the Court that the parties were referring Mr. Andreas Guenther to the pretrial diversion program. Mr. Guenther has now been accepted into that program by pre-trial services. The parties have agreed on the terms of 5 months of pre-trial diversion and Mr. Guenther, his counsel, and government counsel have signed the written agreement. If, as the parties anticipate, Mr. Guenther successfully completes his pre-trial diversion, the government will dismiss the complaint and the parties will jointly request the matter be taken off calendar prior to the August 10, 2015 date.

For the above stated reasons, Mr. Guenther waives the time limits of Federal Rule of Criminal Procedure 5.1 for a preliminary hearing until August 10, 2015, in order to allow for the successful completion of diversion. The parties further agree that time is properly excluded under the Speedy Trial Act for effective preparation and pending performance under a pre-trial diversion agreement. *See* 18 U.S.C. § 3161(h)(2), (h)(7)(B)(iv).

IT IS SO STIPULATED.

March 2, 2015

/s/

DATED

SHILPI AGARWAL

Assistant Federal Public Defender

March 2, 2015

/s/

DATED

MARC PRICE WOLF

Assistant United States Attorney

IT IS SO ORDERED.

March 3, 2015

DATED

